

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NORTH DAKOTA

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In re:

Pro-Mark Services, Inc.,  
Debtor.

Case No.: 24-30167  
Chapter 7

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**ORDER GRANTING MOTION TO TERMINATE 401K PLAN,  
ADMINISTER AND TERMINATE THE ESOP, AND OTHER RELATED RELIEF**

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On September 4, 2024, the Bankruptcy Trustee filed a Motion to Terminate 401K Plan, Administer and Terminate the ESOP, and Other Related Relief [Doc 116]. The Trustee served notice of the motion and the motion on interested parties. The Court received no objections.

On September 18, 2024, Chad DuBois filed a Stipulation Regarding Reservation of Rights between the Bankruptcy Trustee and Chad DuBois. Doc 126. Based on the information provided by the Bankruptcy Trustee and documents filed in this case, the Court finds that the relief the Trustee seeks is in the best interests of the estate.

IT IS ORDERED that the Motion to Terminate 401K Plan, Administer and Terminate the ESOP, and Other Related Relief is GRANTED as provided below, subject to Chad DuBois' reservation of rights regarding the Trustee's administration of the ESOP (as defined in the motion) and the Trustee's rights relating to the ESOP.

- (A) The Trustee is authorized to terminate the 401(k) Plan in accordance with the process outlined in the Motion;
- (B) The Trustee is authorized to execute documentation required to terminate the 401(k) Plan;
- (C) The Trustee is authorized to pay the expenses related to terminating the

401(k) in accordance with the terms described in the Motion;

(D) The Trustee is authorized to administer and terminate the ESOP in accordance with the process outlined in the Motion;

(E) The Trustee is authorized to execute documentation required to administer and terminate the ESOP;

(F) The Trustee is authorized to appoint an ESOP trustee; he may appoint himself or a third party;

(G) The Trustee is authorized to pay the expenses related to administering the ESOP in accordance with the terms described in the Motion.

Dated this 25th day of September, 2024

/s/ Shon Hastings  
Shon Hastings, Judge  
United States Bankruptcy Court